

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RICHARD BOHANNON,	:	Case No. C-1-01-463
	:	
Petitioner,	:	JUDGE SPIEGEL
	:	
vs.	:	MAGISTRATE JUDGE HOGAN
	:	
ANTHONY BRIGANO, Warden,	:	
	:	
Respondent.	:	

RESPONDENT BRIGANO'S MOTION FOR EXTENSION OF TIME

Respondent Brigano respectfully moves this Court for an Order extending the time in which counsel may file his pleading pursuant to Federal Civil Rule 6(b). No prior extension of time has been granted.

Respectfully submitted,

JIM PETRO (0022096)
Attorney General

/s/stuart a cole
STUART A. COLE (0020237)
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Corrections Litigation Section
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MEMORANDUM IN SUPPORT

Petitioner herein has filed a Petition for Writ of Habeas Corpus. On September 18, 2003 this Court issued an Order directing Respondent to submit additional information regarding the date that Petitioner submitted his habeas corpus petition to prison authorities for mailing. In addition, the Court directed Respondent to submit the trial transcript.

Counsel for Respondent has submitted a copy of the trial transcript and is in the process of obtaining an affidavit and relevant documents from the prison mailroom at Lebanon Correctional Institution regarding the submission date of Petitioner's habeas corpus petition. However, despite the exercise of due diligence on the part of Respondent, he has been unable to assemble the necessary documents to answer within the required time period.

Wherefore, Respondent respectfully requests until October 31, 2003 in which to file his response.

Respectfully submitted,

JIM PETRO (0022096)
Attorney General

/s/stuart a cole
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CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Extension of Time has been forwarded to Richard Bohannon, #374-617, Lebanon Correctional Institution, P.O. Box 56, Lebanon, Ohio 45036 on this 7th day of October 2003.

/s/stuart a cole

STUART A. COLE (0020237)
Assistant Attorney General